

being shaped during the conference on H.R. 1757.

This a good resolution. Hopefully it will have the full support of the body.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. I want to commend the gentleman from New Jersey for bringing the bill forward. I think it is a worthy initiative.

Every year Executive Branch officials and employees attend international conferences all over the world. Attendance at these conferences is important to the interests of the United States. At this time we have no comprehensive system in place for keeping track of who goes where, for how long, what they learned and how much they spent.

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This bill sets out a travel reporting system that would require three sets of reports. First, an individual or official attending an international conference would file a report with the State Department. Second, the State Department files a biennial report with the Congress. Finally, the President submits an annual report to Congress on travel by executive branch officials.

All of us, I think, agree that transparency is laudable. Nonetheless, we should recognize that the bill imposes a considerable administrative cost and burden. I would have favored getting a cost estimate on the bill. Despite this reservation, I think this is a good bill. I urge my colleagues to join me in support of it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 4085. I want to commend the sponsor of this measure, the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights. This worthy bill is designed to obtain important data on the widespread attendance of executive branch employees at numerous international conferences.

Excessive attendance at overseas conferences is well-known, and it is also costly. This measure requires the administering office at the State Department to be formally notified by any agency expecting to send an employee to an international conference. It also will provide the agencies, and particularly our State Department, with information to better manage ex-

cessive attendance at such conferences, and to be able to receive extensive information on what occurred at the conference.

A one-time report to Congress will also assure that we have an accounting of this kind of travel. Accordingly, I urge support for this measure.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4805.

The question was taken.

Mr. HAMILTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONCERNING PROPERTIES WRONGFULLY EXPROPRIATED BY FORMERLY TOTALITARIAN GOVERNMENTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 562) concerning properties wrongfully expropriated by formerly totalitarian governments.

The Clerk read as follows:

H. RES. 562

Whereas totalitarian regimes, including Fascist and Communist dictatorships, have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership, including ownership of real, personal, business, and financial property, by individuals and communities;

Whereas the confiscation of property without compensation by totalitarian regimes was often designed to victimize people because of religion, ethnicity, national or social origin, or opposition to such regimes;

Whereas certain individuals and communities twice suffered the taking of their properties without compensation, first by the Nazis and their collaborators and next by subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties, as well as

properties such as hospitals, schools and orphanages owned by religious communities, were destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious people and dismantling religious communities;

Whereas refugees from communism, in addition to being wrongfully deprived of their property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating States of the Organization for Security and Cooperation in Europe have agreed to achieve or maintain full recognition and protection of all types of property, including private property, and the right to prompt, just and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, the Caucasus, and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the wrongs of previous totalitarian regimes;

Whereas many countries in Central and Eastern Europe have enacted laws providing for the restitution of properties that were illegally or unjustly seized, nationalized, confiscated, or otherwise expropriated by totalitarian regimes;

Whereas legal or administrative restrictions that require claimants to reside in, or be a citizen of, the country from which they seek restitution of, or compensation for, wrongfully expropriated property are arbitrary, discriminatory, and in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes the efforts of many formerly totalitarian countries to address the complex and difficult question of the status of wrongfully expropriated properties;

(2) urges countries which have not already done so to return wrongfully expropriated properties to their rightful owners or, when actual return is not possible, to pay prompt, just and effective compensation, in accordance with principles of justice and in a manner that is just, transparent and fair;

(3) calls for the return of wrongfully expropriated properties to religious communities;

(4) calls on Croatia, the Czech Republic, Latvia, Lithuania, Romania, Slovakia, and any other nation whose laws or regulations limit restitution or compensation for wrongfully expropriated properties to persons who reside in, or are citizens of, the country from which restitution or compensation is sought, to remove such restrictions; and

(5) urges formerly totalitarian countries to pass and effectively implement laws that provide for restitution of, or compensation for, wrongfully expropriated property.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and the ranking member of my subcommittee, the gentleman from California (Mr. LANTOS), for working with me and with my friend and colleague, the gentleman from Indiana (Mr. HAMILTON) to help bring this resolution to the floor.

Mr. Speaker, House Resolution 562 addresses the difficult subject of claims arising from uncompensated property confiscation by totalitarian regimes in Central and Eastern Europe.

House Resolution 562 stemmed from a Helsinki Commission hearing that I held in 1996 that examined the efforts underway to restore plundered properties in Central and Eastern Europe. One of the witnesses at that hearing explained that under the international law and practice, the U.S. government is only able to seek compensation from foreign governments on behalf of property claimants who were American citizens at the time that their property was taken.

In contrast, claimants who were not American citizens when their property was taken have at their disposal only the domestic law of their former country, even if they later became naturalized American citizens.

Mr. Speaker, this resolution urges countries to pass laws that will commit their governments to return plundered properties to their rightful owners, or, when actual return of property is not possible, to provide prompt, just, and effective compensation.

This compensation language derives from the Bonn agreement on the Conference on Security and Cooperation in Europe in which the participating states, including those in Central and Eastern Europe, recognized the "right to prompt compensation in the event private property is taken for public use." This resolution also urges countries that have adopted restitution and compensation laws to implement those laws effectively and expeditiously.

By adopting this resolution, Mr. Speaker, the Congress will lend its voice and persuasive power to that of the Council of Europe and the European Parliament, which have both passed strongly-worded and similarly-worded resolutions calling on the countries of Central and Eastern Europe to adopt legislation for the restitution of plundered properties. I hope this will have the full support of the body.

Mr. Speaker, I thank the Chairman of the International Relations Committee, Mr. GILMAN, and the Ranking Member of my Subcommittee, Representative TOM LANTOS, for working with me to bring this resolution to the floor. Similar legislation was introduced in the 104th Congress, reintroduced in this Congress, and offered as an amendment to the foreign relations authorization bill which has not been passed by the Congress. H. Res. 562 is cosponsored by my colleagues Mr. GIL-

MAN, Mr. LANTOS, Mr. HYDE, Mr. ROHR-ABACHER, and Mr. FOX, and by my fellow members of the Helsinki Commission: Mr. CHRISTENSEN, Mr. HOYER, Mr. SALMON, and Mr. MARKEY.

Mr. Speaker, H. Res. 562 addresses the difficult subject of claims arising from uncompensated property confiscations by totalitarian regimes in Central and Eastern Europe. Throughout much of this century, individuals and religious communities in Central and Eastern Europe saw their private property plundered by totalitarian regimes. In particular, Communist regimes expropriated real property, personal property, financial property, business property, and religious property in fulfillment of a main tenet of communism—the abolition of private property. Moreover, Communist-era expropriations often compounded Fascist-era wrongs. The restitution of property in Central and Eastern Europe today has a multitude of possible effects: restitution will demonstrate a commitment to the rule of law, will advance these countries in the establishment of free market economies, will encourage foreign investment, will help the newly-democratic regimes distance themselves from their totalitarian predecessors, and will provide a measure of justice to the victims of fascism and communism.

H. Res. 562 stemmed from a 1996 Helsinki Commission hearing that examined the efforts underway to restore plundered properties in Central and Eastern Europe. Our witnesses at that hearing—Stuart Eizenstat, then the Under Secretary of Commerce for International Trade and the U.S. Special Envoy for Property Claims in Central and Eastern Europe, and Delissa Ridgway, the then-Chairwoman of the Foreign Claims Settlement Commission—explained that under international law and practice, the United States Government is only able to seek compensation from foreign governments on behalf of property claimants who were American citizens at the time their property was taken. Under one common scenario, the United States obtains payment of such claims by having the Secretary of State, on behalf of the President, negotiate a government-to-government settlement agreement that settles a block of claims by American citizens against the foreign government in exchange for a lump-sum payment from the foreign government to the United States. Before or after such a settlement is reached, the Foreign Claims Settlement Commission (FCSC)—an independent, quasi-judicial Federal agency within the Department of Justice—determines the validity and valuation of property claims of U.S. nationals against that foreign government. The FCSC informs the Secretary of the Treasury of the results of the FCSC's adjudications and the Secretary of the Treasury then distributes funds from the lump-sum settlement on a pro rata basis to the U.S. nationals that obtained awards from the FCSC.

In contrast, claimants who were not American citizens when their property was taken have at their disposal only the domestic law of their former country, even if they later became naturalized American citizens. Considering these realities, Congress has a role in helping enable these dispossessed property owners to file claims in their former homelands with a real possibility of achieving a just resolution.

Since that 1996 hearing, the Helsinki Commission has actively encouraged the governments in Central and Eastern Europe to adopt

nondiscriminatory property restitution laws and has sought to intervene on behalf of several claimants whose rights under existing restitution and compensation laws are not being respected. While some progress has been made, the Helsinki Commission nonetheless continues to receive hundreds of letters from American and foreign citizens with unresolved property claims in Central and Eastern Europe. The writers plead for help from the Helsinki Commission and from Congress. Many have been struggling for seven or eight years to regain possession of their family properties. Many are elderly and are losing hope that they will ever recover their property.

The issues addressed by this resolution are timely and, Mr. Speaker, they demand our attention. Some countries in the region have not yet adopted restitution or compensation laws. In those that have, certain requirements imposed on claimants involve so many conditions and qualifications that something just short of a miracle seems necessary for the return of any property.

In Communist countries, expropriated properties were often given to Communist party officials or collaborators. In many cases, these former officials still live in the properties. Regrettably, a number of the democratic governments now in place are stalling and delaying the return of those properties to their rightful owners. Worse yet, some governments are offering meager compensation to the rightful owners and then allegedly reselling the properties for a profit that the State then pockets.

The resolution urges countries to pass laws that will commit their governments to return plundered properties to their rightful owners or, when actual return of property is not possible, to provide "prompt, just and effective compensation." This compensation language derives from the Bonn Document of the Conference on Security and Cooperation in Europe (now the Organization on Security and Cooperation in Europe) in which the participating States, including those in Central and Eastern Europe, recognized the "right to prompt compensation in the event private property is taken for public use." The resolution also urges countries that have adopted restitution or compensation laws to implement those laws effectively.

Several examples help illustrate the state of affairs in Central and Eastern Europe with respect to property restitution. The Helsinki Commission staff met recently with a group known as the Committee for Private Property that has collected information from more than fifteen hundred people with outstanding restitution claims in Romania. Most of these claimants are American citizens—hundreds of whom filed legal claims in Romania and followed the proper judicial process to obtain decrees reinstating their property titles. After obtaining what they believed to be final and irrevocable decrees, the property owners began paying taxes on their properties or, in at least one case, thousands of dollars due on an old mortgage, only to have the Romanian Special Prosecutor appeal the cases to the Supreme Court and win reversals of the judicial decisions.

On the other hand, some positive advancements have been made in regard to communal property restitution in Romania. In April 1997, the Romanian Government adopted a resolution restoring Jewish community ownership rights over six buildings, including the National Jewish Theater, and issued a May 1997

decree that established a committee with joint government and community participation to review communal property claims. This past June, the Romanian Government pledged to return an additional seventeen buildings to several minority ethnic communities. These efforts are positive steps forward in the restitution of more than three thousand communal properties, such as orphanages, cultural centers, apartment buildings, ethnic community centers, and houses of worship, lost by religious and minority communities under communism. Regrettably, however, legislation to return properties to the Greek Catholic Church was blocked in Romania's parliament last year and has yet to be enacted.

Another group, American Owners of Property in Slovenia, has also contacted the Commission about property claims. This group estimates that at least 500 emigres from the former Yugoslavia are now American citizens with property claims in Slovenia. Despite clear mandates in Slovenia's restitution and compensation law requiring action on filed claims within one year, government officials have not implemented the law; the vast majority of claims remain pending without resolution seven years after the law was passed and five years after the filing deadline. Of the approximately 40,000 applications filed by the 1993 deadline, only 35 percent of the individual claims filed had been resolved by the end of 1997; sixty-five percent of the claims had received no action or only dilatory action. The Slovenian Government has not shown the political will to return property and has failed to take the administrative measures needed to implement the legislation. Moreover, it is of particular concern that this past September, the Slovenian parliament adopted amendments to its restitution law that contain numerous provisions that may further restrict the ability of victims of the Communist regime to regain ownership and access to their properties.

Similarly, in Lithuania, despite enactment of a restitution and compensation law, Lithuanian Government officials also appear disinclined to return properties. Property claimants there encounter a variety of roadblocks to restitution, including citizenship requirements, unreasonable bureaucratic delays, and the sudden, suspicious inclusion of claimed properties on an official "Register of Immovable Cultural Properties" as the basis for non-restitution. In one case, Mr. Vytautas Sliupas, an American with dual Lithuanian citizenship, has struggled for seven years to regain ownership and possession of inherited property in Palanga, Lithuania. One building is controlled by the Ministry of Culture and Education and is reportedly used by the National Museum of Lithuania primarily as a vacation site for Museum personnel. The second property is controlled by the City of Palanga and is rented to a commercial entity. These properties belong to Mr. Sliupas' family and were nationalized, without compensation, by the Communist regime. In 1993, the Minister of Culture and Education issued an official letter stating that the Ministry agreed to return the first property to Mr. Sliupas. In 1997, the City of Palanga passed a resolution to return the second property to Mr. Sliupas. Nonetheless, the groups occupying the properties have failed to comply with the orders to vacate. Mr. Sliupas has sought unsuccessfully to obtain the assistance of various government entities, including the courts,

in enforcing his right to regain possession of these properties. The Lithuanian Government recently informed the Helsinki Commission that the property has been placed on the Register of Immovable Cultural Properties and, therefore, cannot be restituted to Mr. Sliupas.

In Croatia, the Czech Republic, Lithuania, Romania, Slovakia, and other countries, the existing restitution and compensation laws only allow people who are currently residents or citizens of the country to apply for restitution. The Czech Republic's citizenship requirement discriminates almost exclusively against individuals who lost their Czech citizenship because they chose the United States as their refuge from communism; as many as 8,000–10,000 Czech-Americans are precluded from even applying for restitution or compensation because of this requirement. Citizenship and residency requirements have been found to violate the nondiscrimination clause of the International Covenant on Civil and Political Rights, an international agreement that these countries have voluntarily signed onto, and yet the countries mentioned have been unwilling to eliminate the restrictions. The resolution calls on these countries to remove citizenship or residency requirements from their restitution and compensation laws.

Mr. Speaker, the examples given only begin to show the obstacles faced by property claimants in formerly totalitarian countries. This past August, Stuart Eizenstat—now the Under Secretary of State or Economic, Business and Agricultural Affairs and the U.S. Special Envoy for Property Claims in Central and Eastern Europe—testified before the International Relations Committee about the need for Congress to pass a resolution that encourages Central and East European countries to return wrongfully expropriated property. While that hearing focused on Holocaust-era assets, in reality many Holocaust victims who suffered the loss of their property at the hands of the Nazis were victimized again by Communist regimes. I comment Under Secretary Eizenstat for his tireless efforts on behalf of Holocaust victims and I hope that the United States Government will make property restitution and compensation a priority in Central and Eastern Europe—as it has done in Cuba, Nicaragua and other countries.

By adopting this resolution, the Congress will add its voice and persuasive power to that of the Council of Europe and the European Parliament which have both passed strongly worded resolutions calling on the countries of Central and Eastern Europe to adopt legislation for the restitution of plundered properties. For the record, I would ask that a reference list of provisions, form international law and agreements, relating to property rights and the restitution of property be printed following my statement.

H. Res. 562 signals the countries of Central and Eastern Europe that the United States is concerned with the urgent return of plundered property to individuals and religious communities. I urge my colleagues to support H. Res. 562 and to join me and the other cosponsors of this resolution in pressing for a fair, timely and just property restitution and compensation process in formerly totalitarian countries.

Mr. Speaker, I include the following materials relating to this resolution:

NON-DISCRIMINATION CLAUSE OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

EXCERPTS FROM DECISIONS OF THE U.N. HUMAN RIGHTS COMMITTEE (ESTABLISHED BY THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS) CONCERNING CITIZENSHIP & RESIDENCY REQUIREMENTS IN PROPERTY RESTITUTION LAWS

Simunek v. Czech Republic, Human Rights Comm., U.N. Doc. CCPR/C/54/D/516/1992 (1995):

In the instant cases, the [property claimants] have been affected by the exclusionary effect of the requirement in Act 87/1991 that claimants be Czech citizens and residents of the Czech Republic. The question before the Committee, therefore, is whether these preconditions to restitution or compensation are compatible with the non-discrimination requirement of article 26 of the [International] Covenant [on Civil and Political Rights]. Id. at para. 11.5.

The Human Rights Committee . . . is of the view that the denial of restitution or compensation to the [property claimants] constitutes a violation of article 26 of the International Covenant on Civil and Political Rights. Id. at para. 12.1.

Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that . . . the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within ninety days, information about the measures taken to give effect to the Committee's Views. Id. at para. 12.3.

Adam v. Czech Republic, Human Rights Comm., U.N. Doc. CCPR/C/57/D/586/1994 (1996).

In the instant case, the [property claimant] has been affected by the exclusionary effect of the requirement in Act 87/1991 that claimants be Czech citizens. The question before the Committee, therefore, is whether the precondition to restitution or compensation is compatible with the non-discrimination requirement of article 26 of the [International] Covenant [on Civil and Political Rights]. Id. at para. 12.4.

The Human Rights Committee . . . is of the view that the denial of restitution or compensation to the [property claimant] constitutes a violation of article 26 of the International Covenant on Civil and Political Rights. Id. at para. 13.1.

PROPERTY PROVISIONS IN INTERNATIONAL LAW & AGREEMENTS

Universal Declaration of Human Rights (United Nations General Assembly), Dec. 10, 1948

Art. 17: (1) Everyone has the right to own property alone as well as in association with others.

African [Banjul] Charter on Human and Peoples' Rights (Organization of African Unity), entered into force Oct. 21, 1986

Art. 14: The right to property shall be guaranteed. It may only be encroached upon

in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

American Convention on Human Rights (Organization of American States), entered into force July 18, 1978

Article 21: (1) Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.

(2) No one shall be deprived of his property except upon payment of just compensation, for reasons for public utility or social interest, and in the case and according to the forms established by law.

(3) Usury and any other form of exploitation of man by man shall be prohibited by law.

European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe), entered into force Sept. 3, 1953.

No property provisions.

Protocol (No. 1) to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe), entered into force, May 18, 1954

Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Document of the Bonn Conference on Economic Cooperation in Europe (Conference on Security and Cooperation in Europe) April 11, 1990

The participating States, . . . [b]elieve that economic freedom for the individual includes the right freely to own, buy, sell and otherwise utilize property.

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Accordingly the participating States, . . . [w]ill endeavour to achieve or maintain the following:

Full recognition and protection of all types of property including private property, and the right of citizens to own and use them, as well as intellectual property rights;

The right to prompt, just and effective compensation in the event private property is taken for public use;

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, June 29, 1990

The participating States reaffirm that . . . everyone has the right peacefully to enjoy his property either on his own or in common with others. No one may be deprived of his property except in the public interest and subject to the conditions provided for by law and consistent with international commitments and obligations.

Charter of Paris for a New Europe (Conference on Security and Cooperation in Europe) Nov. 21, 1990

We affirm that, . . . everyone also has the right: . . . to own property alone or in association and to exercise individual enterprise.

Resolution B4-1493/95 on the Return of Plundered Property to Jewish Communities (European Parliament), Dec. 14, 1995

The European Parliament,

A. recalling the first additional protocol to the European Convention on Human Rights (Paris 1952), and in particular Article 1 thereof, which stipulates that 'every natural per-

son is entitled to the peaceful enjoyment of his possessions';

B. recalling the European Union's commitment to respect for and defence of human rights,

C. recalling the European Union's commitment to the duty of remembrance,

D. given the political upheavals in Central and Eastern Europe after 1989,

E. whereas certain countries of Central and Eastern Europe which have returned to democracy have ratified the European Convention on Human Rights (1950) by joining the Council of Europe,

F. given the twofold plundering of the property of Jewish communities, first under the regimes of the Nazis and their collaborators and then under the Communist regimes,

G. Aware that under the Communist regimes many other individuals of various origins, communities and religions and many organizations, notably Christian churches, were deprived of their property,

1. Welcomes the fact that certain Eastern European states, notably Hungary and Romania, have accepted the principle of justice and morality by agreeing to return the property of Jewish communities to its rightful owners;

2. Welcomes the fact that certain Central and Eastern European countries have apologized publicly for the crimes committed against Jews during the Second World War and have recognized their responsibilities in respect of these crimes;

3. Calls on all countries of Central and Eastern European which have not already done so to adopt appropriate legislation regarding the return of plundered property so that the property of Jewish communities may be returned to Jewish institutions, in accordance with the principles of justice and morality;

4. Asks also that all countries of Central and Eastern Europe which have not already done so adopt appropriate legislation for the return of other property plundered by the Communists or the Nazis and their accomplices to their rightful owners;

5. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe and the countries which have applied to join the European Union.

Resolution 1096 on Measures to Dismantle the Heritage of Former Communist Totalitarian Systems (Council of Europe Parliamentary Assembly), 1996

Para 10: The Assembly advises that property, including that of the churches, which was illegally or unjustly seized by the state, nationalized, confiscated or otherwise expropriated during the reign of communist totalitarian systems in principle be restituted to its original owners in integrum, if this is possible without violating the rights of current owners who acquired the property in good faith or the rights of tenants who rented the property in good faith, and without harming the progress of democratic reforms. In cases where this is not possible, just material compensation should be awarded. Claims and conflicts relating to individual cases of property restitution should be decided by the courts.

Resolution 1123 on the Honouring of Obligations and Commitments by Romania (Council of Europe Parliamentary Assembly), 1997

Para 12: The Assembly encourages Romania to settle the matter of return of confiscated or expropriated real estate, in particular to the churches, to political prisoners or to certain communities, with due regard to the principle of restitution in integrum or, failing that, to pay just compensation and secure free access to the court system for complainants.

Para 14: The Assembly therefore earnestly requests that the Romanian authorities:

* * * * *

iv. amend the legislation relating to the return of confiscated and expropriated property, particularly Act No. 18/1991 and Act No. 112/1995, so as to provide for the restitution of such property in integrum or fair compensation in lieu.

Simunek v. Czech Republic, Human Rights Comm., U.N. Doc CCPR/C/54/D/516/1992 (1995);

Adam v. Czech Republic, Human Rights Comm., U.N. Doc. CCPR/C/57/D/586/1994 (1996).

These two cases before the human Rights Committee ('the Committee'), established by the International Covenant on Civil and Political Rights, involved American citizens with property claims in the Czech Republic. In both cases, the Committee determined that while there is no right to property *per se* in the International Covenant on Civil and Political Rights, there is a right to non-discrimination pursuant to article 26 of the Covenant. In the case of the Czech restitution law, the Committee agreed that the provision requiring claimants to have Czech citizenship violates the Covenant's non-discrimination clause.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution, and I extend my appreciation to the gentleman from New Jersey (Mr. SMITH) and the chairman of the committee, the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. LANTOS), and others for their work on this bill. It is a worthy piece of legislation. The confiscation of community and personal property by governments based on an individual's religion, ethnicity, national or social origin, is wrong and it is degrading.

As we approach the beginning of the next century, we must work together to return property that was unjustifiably taken. This effort requires the continued cooperation of the governments of formerly Communist countries. It also requires the removal of residency restrictions which hinder efforts to return property to the true owners. This resolution deserves our support. I urge my colleagues to join me in voting yes on this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, House Resolution 562 expresses the sense of the House regarding properties wrongfully expropriated by formerly Communist governments in Central and Eastern Europe.

I want to thank our colleague, the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International

Operations and Human Rights, for his ongoing commitment to these issues and for his sponsorship of this bill.

I also want to thank our ranking member, the gentleman from Indiana (Mr. HAMILTON) for his support of the measure.

As many of our colleagues know, under Communist rule, individual and communal property was brutally confiscated without any compensation. Religious communities were also severely affected, as were hospitals, schools, and orphanages that they operated. While many post-Communist nations are trying to address these problems by enacting property restitution laws, much still remains to be done.

Our Committee on International Relations recently conducted a hearing at which we heard about the successes and frustrations from Under Secretary of State Stewart Eisenstat.

H.Res. 562 welcomes the efforts of countries in Central and Eastern Europe to address the question of expropriated properties but urges countries which have not already done so to return these properties to their rightful owners. The bill also urges countries to pay compensation when the actual return of property is not possible.

H.Res. 562 specifically mentions Croatia, the Czech Republic, Latvia, Lithuania, Romania and Slovakia by calling on them to remove restrictions that limit restitution or compensation. This measure is also required to be transmitted to the President following its adoption and for his consideration.

It is important that countries involved in this issue understand their response is seen as a measure of their commitment to basic human rights, to justice and to the rule of law as one of several standards by which our Nation assesses its bilateral relationship with them. Those who perished, those who survived and their descendants deserve nothing less.

Accordingly, Mr. Speaker, I urge adoption of H.Res. 562.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Florida (Mr. MICA).

(Mr. MICA asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MICA. Mr. Speaker, I come to the floor this afternoon in support of this resolution. I wanted to also com-

ment for the record about a particular concern that I have. My grandfather was a Slovak American and came from Slovakia. He came from a country that was dominated for a thousand years by other interests.

When I visited Slovakia last September, I visited some of their museums and their cultural heritage facilities and what stunned me is I found that many of the artifacts and cultural objects that were native to Slovakia were missing. I hope that when we talk about returning properties of people from former communist regimes that we can call on those who have expropriated cultural heritage objects from the Slovak Republic and native Slovakia to return them to their rightful owners.

Unfortunately, Slovakia was plundered under the various communist regimes and many of the artifacts and art and cultural objects disappeared.

In light of us passing this resolution, it would be my hope that we could do justice in also requesting that the Slovak people have returned to them things that are so precious to them. They had, again, years of domination by the communists. For many years, they had domination from communists in Prague and what is now the Czech Republic.

I also sent recently, October 10, a letter to His Excellency Vaclav Havel, the President of the Czech Republic, asking that they help expedite the return of some of these historic items from the Czech Republic.

I come to the floor in support of this effort to see that properties and other rightful objects are returned to their rightful owner; that we correct the injustices of the past, particularly under communist regimes.

I come to the floor also to congratulate the Slovak people on their recent elections, which will allow them with a new western leaning government, their rightful place in the community of free and independent nations. They have only been free since 1993. They gained their independence and now I hope with this movement by Congress today we can also have them retain their right title and ownership to properties that a country has been deprived of, a people have been deprived of, for many, many years under a communist totalitarian regime. I commend the authors of this legislation on both sides of the aisle.

Mr. Speaker, I include for the RECORD the letter of October 10.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 1998.

HIS EXCELLENCY, VACLAV HAVEL,
President of the Czech Republic,
The Embassy of the Czech Republic, Washington, DC.

DEAR MR. PRESIDENT: I am writing to request your assistance in securing the return to the Slovak Republic certain objects of art and cultural heritage that currently are in the care or possession and held with the authority of the Czech Republic.

With Slovakia's independence and status since 1993 in the community of free and recognized sovereign states, it is both proper

and legal that objects of art and national Slovak cultural heritage be returned to the Slovak Republic.

For generations, Slovakia and the Slovak people have been dominated and ruled by other people.

Now it is only fair and just that art, paintings, sculptures, antiquities and culturally significant artifacts native to Slovakia be returned to the Slovak people.

I seek your personal intervention and remedial action to correct this situation. Hopefully these objects can be returned through a cooperative effort. If not, it will be my intention as a Member of the United States Congress to seek redress by legislative action in the 106th Congress. In that regard, my action may include a Congressional Resolution relating to the matter and/or legislative and appropriations action disapproving of future economic, military and financial assistance to your country.

I believe this to be a very serious matter that should also be raised by the United States Ambassador to the United Nations and to the appropriate international organizations and tribunals.

Hopefully we can work together to correct this injustice, identify and return art and antiquities rightfully belonging to Slovakia and amicably resolve this matter.

Respectfully,

JOHN L. MICA,
Member of Congress.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 562.

The question was taken.

Mr. HAMILTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CALLING FOR FREE AND TRANSPARENT ELECTIONS IN GABON

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 518) calling for free and transparent elections in Gabon, as amended.

The Clerk read as follows:

H. RES. 518

Whereas Gabon is a heavily forested and oil-rich country on central Africa's west coast;

Whereas Gabon gained independence from France in 1960;

Whereas the Government of Gabon is involved in ongoing efforts to mediate regional conflicts;

Whereas Gabon is scheduled to hold national elections in December 1998 for the purpose of electing a President;

Whereas Gabon was subject to single-party rule until 1990;

Whereas the International Foundation for Election Systems (IFES) and the Africa America Institute (AAI) served as observers